

LEGISLATIVE INTERIM COMMITTEES -- NOVEMBER 2018

LAW ENFORCEMENT AND CRIMINAL JUSTICE	
Bill Title/Subject Matter:	Murder Defense Amendments
Legislator(s) –Sponsor:	Rep. Angela Romero
Interested Parties:	William Haines, Attorney Retired Judge Voros, community member Steve Burton, Utah Association of Criminal Defense Lawyers
Code Reference:	2019FL-0191/006
<p>Description: The committee discussed draft legislation that modifies the circumstances under which a defendant’s extreme emotional distress is special mitigation of the penalty for a criminal homicide offense. The draft bill is a revisit from the 2018 General Session. H.B. 334, “Amendments” [bill did NOT pass]. Mr. Haines discussed provisions in the draft legislation. Retired Judge Voros provided comments in support of the bill. Mr. Burton shared his perspective on the bill.</p> <p>Meeting Materials:</p> <ul style="list-style-type: none"> • 2019 Draft Legislation – Murder Defense Amendments – Rep. Romero <p>Audio:</p> <p><i>[No action, information only.]</i></p>	
Bill Title/Subject Matter:	Criminal Code Evaluations Task Force
Legislator(s) –Sponsor:	Rep. Paul Ray Sen. Karen Mayne
Interested Parties:	
Code Reference:	2019FL-0549/006
<p>Description: In accordance with Subsection 36-29-105(8)(a), the committee received a report from the Criminal Code Evaluation Task Force. The committee will also discuss draft legislation, Criminal Code Task Force Amendments that modifies criminal offenses and penalties in the Utah Code, specifically in the area of (1) definition of a help professional, (2) criminal penalties for sexting to mirror the Romeo and Juliet law, (3) sex offender, (4) moving a dead body, (5) removing adultery and sodomy, and (6) immunity for sex workers who report a crime.</p> <p>Meeting Materials:</p> <ul style="list-style-type: none"> • 2019 Draft Legislation – Criminal Code Task Force Amendments – Rep. Ray and Sen. Mayne <p>Audio:</p> <ul style="list-style-type: none"> • <p><i>[Action: Rep. Ward made a motion to approve the draft legislation as a committee bill. PASSED unanimously.]</i></p>	
Bill Title/Subject Matter:	Weapons Restrictions Amendments
Legislator(s) –Sponsor:	Rep. Norman K. Thurston
Interested Parties:	
Code Reference:	2019FL-0060/002
<p>Description: The committee discussed draft legislation that changes and clarifies the prohibitions for carrying a dangerous weapon by an intoxicated individual, specifically (1) exceptions for certified law</p>	

enforcement, (2) the definition of “carry,” (3) self-defense, and (4) clarification on private property.

Meeting Materials:

- [2019 Draft Legislation - Weapons restrictions Amendments - Rep. Thurston](#)

Audio:

[No action, information only.]

Bill Title/Subject Matter:	Distracted Driver Amendments
Legislator(s) –Sponsor:	Sen. Carol Moss
Interested Parties:	Chief Tom Ross, Community members
Code Reference:	2019FL-0079/007

Description: The committee discussed draft legislation that amends provisions related to the use of a handheld wireless communication device while operating a motor vehicle. Chief Ross provided support to the bill. Two community members provided support to the bill. One community expressed concerns on the bill.

Meeting Materials:

- [2019 Draft Legislation - Distracted Driver Amendments - Sen. Moss](#)

Audio:

[Action: Rep. Escamilla made a motion to approve the draft legislation, as a committee bill. PASSED unanimously with the exception of Rep. Daw and Rep. Ward voting nay.]

Bill Title/Subject Matter:	Mortality in Utah County Jails and Prisons
Legislator(s) –Sponsor:	
Interested Parties:	Kim Cordova, Commission on Criminal and Juvenile Justice David Walsh, Commission on Criminal and Juvenile Justice Mary Lou Emerson, Commission on Criminal and Juvenile Justice
Code Reference:	Utah Code §17-22-32(3)(c)

Description: In accordance with Subsection 17-22-32(3)(c), the committee received a report from the CCJJ on mortality in Utah county jails and prisons. Ms. Cordova and Mr. Walsh reviewed the report and answered committee questions.

Meeting Materials:

- [Mortality in Utah County Jails and Prisons Presentation](#)

Audio:

[No action, information only.]

JUDICIARY

Bill Title/Subject Matter:	Justice Reinvestment Initiative
Legislator(s) –Sponsor:	
Interested Parties:	Kim Cordova, Commission on Criminal and Juvenile Justice Sofia Nystrom, Commission on Criminal and Juvenile Justice

Code Reference:	
Description: Ms. Cordova and Ms. Nystrom gave a presentation on current justice policies. Meeting Materials: <ul style="list-style-type: none"> • Current Justice Policies Presentation Audio: <i>[Action: No action taken, information only.]</i>	
Bill Title/Subject Matter:	Electronic Information or Data Privacy
Legislator(s) –Sponsor:	Rep. Craig Hall
Interested Parties:	Marina Lowe, ACLU Connor Boyack, Libertas Institute
Code Reference:	2019FL-0816/004
Description: The committee discussed draft legislation that amends provisions related to privacy of electronic information or data. The draft bill is a revisit from the 2018 General Session. H.B. 334, “Amendments” [bill did NOT pass]. Rep. Hall discussed the amended bill and the collaboration that took place to address the concerns from the previous session. Ms. Lowe provided information on the draft bill. Mr. Boyack provided comments on the draft bill. Meeting Materials: <ul style="list-style-type: none"> • 2019 Draft Legislation - Electronic Information or Data Privacy - Rep. Hall • Interim Committee Amendment - Electronic Information or Data Privacy - Rep. Hall Audio: <i>[Action: Rep. Greene moved to adopt the amendment for the draft legislation. PASSED unanimously. Rep. Hall moved to adopt the draft legislation as amended, as a committee bill. PASSED unanimously.]</i>	
Bill Title/Subject Matter:	Lawsuits that Challenge the Constitutionality of State Law
Legislator(s) –Sponsor:	
Interested Parties:	David Wolf, Office of the Utah Attorney General
Code Reference:	Utah Code §67-5-1
Description: Utah Code §67-5-1 requires the Office of the Utah Attorney General to prepare a written report on the status and progress of any lawsuits that challenge the constitutionality of state law. Mr. Wolf presented the report. Meeting Materials: <ul style="list-style-type: none"> • Constitutional Challenges Report 1 • Constitutional Challenges Report 2 Audio: <i>[No action, information only.]</i>	
Bill Title/Subject Matter:	Victim Advocate Confidentiality Task Force Report
Legislator(s) –Sponsor:	Sen. Todd Weiler and Rep. Lowry Snow

Interested Parties:	
Code Reference:	Utah Code §36-29-104
Description: 2018 General Session H.B. 298, “Victim Advocate Confidentiality Amendments”, created the Victim Advocate Confidentiality Task Force. Rep. Snow reported on the work of the task force including draft legislation that will be presented in the 2019 General Session.	
Meeting Materials: <ul style="list-style-type: none"> • 2018 H.B. 298 	
Audio: <i>[No action, information only.]</i>	
Bill Title/Subject Matter:	Campus Sexual Violence Reporting and Due Process
Legislator(s) –Sponsor:	Rep. Kim Coleman
Interested Parties:	
Code Reference:	2019FL-0529/009
Description: 2018 General Session 1st Sub. H.B. 254, "Campus Sexual Violence Reporting" [bill did NOT pass], would have enacted provisions relating to reports of sexual violence at postsecondary institutions. Rep. Coleman reported collaboration is taking place with multiple stakeholders to create draft legislation that will be presented in the 2019 General Session.	
Meeting Materials: <ul style="list-style-type: none"> • 2018 H.B. 254 – 1ST Sub. 	
Audio: <i>[No action, information only.]</i>	
HEALTH AND HUMAN SERVICES	
Bill Title/Subject Matter:	Mental Health – Supporting Persons in Crisis
Legislator(s) –Sponsor:	Sen. Fillmore
Interested Parties:	Cory Holdaway, Community member June Taylor, Community member Kathleen Coffman, Peggy Hosthedder, Community member
Code Reference:	2019FL-0560/009 2019FL-0537/005 2019FL-0536/003
Description: The committee discussed three draft legislations: <ol style="list-style-type: none"> (1) Assisted Outpatient Treatment for Mental Illness <ol style="list-style-type: none"> a. The Assisted Outpatient Treatment for Mental Illness draft bill creates a process for the provision of assisted outpatient treatment for an individual with mental illness. Sen Fillmore explained assisted outpatient treatment could prevent individuals from entering the criminal justice system. (2) Mental Health Amendments <ol style="list-style-type: none"> a. The draft bill requires that a mental health professional provide a patient the opportunity to waive the patient's privacy rights. 	

- (3) Concurrent Resolution On The Payment For Treatment In An Institution For Mental Illness
a.

Meeting Materials:

- [2019 Draft Legislation - Assisted Outpatient Treatment for Mental Illness - Sen. Fillmore](#)
- [2019 Draft Legislation - Mental Health Amendments - Sen. Fillmore](#)
- [2019 Draft Legislation - Concurrent Resolution - Sen. Fillmore](#)

Audio:

[Action: Sen. Fillmore moved to adopt draft legislation "Assisted Outpatient Treatment for Mental Illness" as a committee bill. PASSED unanimously. Sen. Fillmore moved to approve the draft legislation "Mental Health Amendments" as a committee bill. PASSED with the exception of Sen. Escamilla, Rep. Barlow, and Rep. Chavez-Houck voting nay. Sen. Fillmore moved to adopt the resolution "Concurrent Resolution on the Payment for Treatment in an Institution of Mental Illness" as a committee resolution. PASSED unanimously.]

Bill Title/Subject Matter:	Report on Suicide and Gun Study Firearm Violence And Suicide Prevention Amendments
Legislator(s) –Sponsor:	Rep. Eliason
Interested Parties:	Kimberly Myers, Division of Substance Abuse and Mental Health Clark Aposhian, Utah Shooting Sports Council
Code Reference:	2019FL-0099/011

Description: The committee discussed draft legislation that reenacts and modifies previously sunsetted provisions relating to a voluntary firearm safety program and a suicide prevention education course. Ms. Myers gave a presentation on the Utah Suicide Prevention Report. Mr. Aposhian provided support to the draft bill.

Meeting Materials:

- [2019 Draft Legislation - Firearm Violence and Suicide Prevention Amendments - Rep. Eliason](#)
- [Suicide and Firearm Injury in Utah Report](#)
- [Utah Suicide Prevention Presentation](#)

Audio:

[Action: Rep. Eliason moved to approve the draft legislation "Firearm Violence and Suicide Prevention Amendments" as a committee bill. PASSED unanimously.]

Bill Title/Subject Matter:	Opioid Misuse – Implementation of Recent Legislation
Legislator(s) –Sponsor:	Rep. Eliason
Interested Parties:	
Code Reference:	2019FL-0095/006

Description: The committee discussed draft legislation that creates a new position in the Office of the Medical Examiner and creates the Opioid and Overdose Fatality Review Committee.

Meeting Materials:

- [2019 Draft Legislation - Opioid Fatality Review Amendments - Rep. Eliason](#)

Audio:

[Action: Rep. Eliason moved to approve the draft legislation as a committee bill. PASSED unanimously.]

EDUCATION

Bill Title/Subject Matter:	Student and School Safety Assessment
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Legislator(s) –Sponsor:	Rep. Raymond Ward
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Interested Parties:	
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Code Reference:	2019FL-0466/004
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Description: In the June Education Interim, this committee heard from various groups regarding recommendations related to school safety. Last month, this committee heard from members of the School Safety Advisory Committee regarding their recommendations. Rep. Ward presented draft language from a draft bill that will create: (1) a Threat Assessment and Student Support Teams in each school (that is made up of a mental health professional, law enforcement, school administrator), (2) a Threat Assessment and Student Support Team Program (collects best evidence on school safety topics, creates trainings, disseminates information, and collects data). The draft bill will also (3) direct the Department of Public Safety to employ a public safety liaison, (4) direct the State Board of Education to develop and maintain a central repository database for purposes of school safety, (5) direct the Division of Substance Abuse and Mental Health to employ a school-based mental health specialist

Meeting Materials:

- [2019 Draft Legislation - Student and School Safety Assessment - Rep. Ward](#)

Audio:

[Action: No action taken, information only.]

POLITICAL SUBDIVISIONS

Bill Title/Subject Matter:	Indigent Defense Services
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Legislator(s) –Sponsor:	
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Interested Parties:	Lincoln Shurtz, Utah Association of Counties Joanna Landau, Utah Indigent Defense Commission
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Code Reference:	Utah Code §77-32-301
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Description: Mr. Shurtz gave a presentation on Indigent Defense Services, specifically on the current collaborations and potential upcoming legislation that would expand services to include children.

Meeting Materials:

- [Indigent Defense Services Handout](#)

Audio:

- **Indigent Defense**

[Action: No action taken, information only.]